

1 AN ACT concerning civil liabilities.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by
5 changing Sections 2-1402, 12-803, 12-805, and 12-808 as
6 follows:

7 (735 ILCS 5/2-1402) (from Ch. 110, par. 2-1402)

8 Sec. 2-1402. Supplementary proceedings.

9 (a) A judgment creditor, or his or her successor in
10 interest when that interest is made to appear of record, is
11 entitled to prosecute supplementary proceedings for the
12 purposes of examining the judgment debtor or any other person
13 to discover assets or income of the debtor not exempt from the
14 enforcement of the judgment, a deduction order or garnishment,
15 and of compelling the application of non-exempt assets or
16 income discovered toward the payment of the amount due under
17 the judgment. A supplementary proceeding shall be commenced by
18 the service of a citation issued by the clerk. The procedure
19 for conducting supplementary proceedings shall be prescribed
20 by rules. It is not a prerequisite to the commencement of a
21 supplementary proceeding that a certified copy of the judgment
22 has been returned wholly or partly unsatisfied. All citations
23 issued by the clerk shall have the following language, or
24 language substantially similar thereto, stated prominently on
25 the front, in capital letters: "YOUR FAILURE TO APPEAR IN COURT
26 AS HEREIN DIRECTED MAY CAUSE YOU TO BE ARRESTED AND BROUGHT
27 BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT,
28 WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL."
29 The court shall not grant a continuance of the supplementary
30 proceeding except upon good cause shown.

31 (b) Any citation served upon a judgment debtor or any other
32 person shall include a certification by the attorney for the

1 judgment creditor or the judgment creditor setting forth the
2 amount of the judgment, the date of the judgment, or its
3 revival date, the balance due thereon, the name of the court,
4 and the number of the case, and a copy of the citation notice
5 required by this subsection. Whenever a citation is served upon
6 a person or party other than the judgment debtor, the officer
7 or person serving the citation shall send to the judgment
8 debtor, within three business days of the service upon the
9 cited party, a copy of the citation and the citation notice,
10 which may be sent by regular first-class mail to the judgment
11 debtor's last known address. In no event shall a citation
12 hearing be held sooner than five business days after the
13 mailing of the citation and citation notice to the judgment
14 debtor, except by agreement of the parties. The citation notice
15 need not be mailed to a corporation, partnership, or
16 association. The citation notice shall be in substantially the
17 following form:

18 "CITATION NOTICE

19 (Name and address of Court)

20 Name of Case: (Name of Judgment Creditor),

21 Judgment Creditor v.

22 (Name of Judgment Debtor),

23 Judgment Debtor.

24 Address of Judgment Debtor: (Insert last known
25 address)

26 Name and address of Attorney for Judgment

27 Creditor or of Judgment Creditor (If no

28 attorney is listed): (Insert name and address)

29 Amount of Judgment: \$ (Insert amount)

30 Name of Person Receiving Citation: (Insert name)

31 Court Date and Time: (Insert return date and time
32 specified in citation)

33 NOTICE: The court has issued a citation against the person
34 named above. The citation directs that person to appear in
35 court to be examined for the purpose of allowing the judgment
36 creditor to discover income and assets belonging to the

1 judgment debtor or in which the judgment debtor has an
2 interest. The citation was issued on the basis of a judgment
3 against the judgment debtor in favor of the judgment creditor
4 in the amount stated above. On or after the court date stated
5 above, the court may compel the application of any discovered
6 income or assets toward payment on the judgment.

7 The amount of income or assets that may be applied toward
8 the judgment is limited by federal and Illinois law. The
9 JUDGMENT DEBTOR HAS THE RIGHT TO ASSERT STATUTORY EXEMPTIONS
10 AGAINST CERTAIN INCOME OR ASSETS OF THE JUDGMENT DEBTOR WHICH
11 MAY NOT BE USED TO SATISFY THE JUDGMENT IN THE AMOUNT STATED
12 ABOVE:

13 (1) Under Illinois or federal law, the exemptions of
14 personal property owned by the debtor include the debtor's
15 equity interest, not to exceed \$2,000 in value, in any
16 personal property as chosen by the debtor; Social Security
17 and SSI benefits; public assistance benefits; unemployment
18 compensation benefits; worker's compensation benefits;
19 veteran's benefits; circuit breaker property tax relief
20 benefits; the debtor's equity interest, not to exceed
21 \$1,200 in value, in any one motor vehicle, and the debtor's
22 equity interest, not to exceed \$750 in value, in any
23 implements, professional books, or tools of the trade of
24 the debtor.

25 (2) Under Illinois law, every person is entitled to an
26 estate in homestead, when it is owned and occupied as a
27 residence, to the extent in value of \$7,500, which
28 homestead is exempt from judgment.

29 (3) Under Illinois law, the amount of wages that may be
30 applied toward a judgment is limited to the lesser of (i)
31 15% of gross weekly wages or (ii) the amount by which
32 disposable earnings for a week exceed the total of 45 times
33 the federal minimum hourly wage or, under a wage deduction
34 summons served on or after January 1, 2006, the Illinois
35 minimum hourly wage, whichever is greater.

36 (4) Under federal law, the amount of wages that may be

1 applied toward a judgment is limited to the lesser of (i)
2 25% of disposable earnings for a week or (ii) the amount by
3 which disposable earnings for a week exceed 30 times the
4 federal minimum hourly wage.

5 (5) Pension and retirement benefits and refunds may be
6 claimed as exempt under Illinois law.

7 The judgment debtor may have other possible exemptions
8 under the law.

9 THE JUDGMENT DEBTOR HAS THE RIGHT AT THE CITATION HEARING
10 TO DECLARE EXEMPT CERTAIN INCOME OR ASSETS OR BOTH. The
11 judgment debtor also has the right to seek a declaration at an
12 earlier date, by notifying the clerk in writing at (insert
13 address of clerk). When so notified, the Clerk of the Court
14 will obtain a prompt hearing date from the court and will
15 provide the necessary forms that must be prepared by the
16 judgment debtor or the attorney for the judgment debtor and
17 sent to the judgment creditor and the judgment creditor's
18 attorney regarding the time and location of the hearing. This
19 notice may be sent by regular first class mail."

20 (c) When assets or income of the judgment debtor not exempt
21 from the satisfaction of a judgment, a deduction order or
22 garnishment are discovered, the court may, by appropriate order
23 or judgment:

24 (1) Compel the judgment debtor to deliver up, to be
25 applied in satisfaction of the judgment, in whole or in
26 part, money, choses in action, property or effects in his
27 or her possession or control, so discovered, capable of
28 delivery and to which his or her title or right of
29 possession is not substantially disputed.

30 (2) Compel the judgment debtor to pay to the judgment
31 creditor or apply on the judgment, in installments, a
32 portion of his or her income, however or whenever earned or
33 acquired, as the court may deem proper, having due regard
34 for the reasonable requirements of the judgment debtor and
35 his or her family, if dependent upon him or her, as well as
36 any payments required to be made by prior order of court or

1 under wage assignments outstanding; provided that the
2 judgment debtor shall not be compelled to pay income which
3 would be considered exempt as wages under the Wage
4 Deduction Statute. The court may modify an order for
5 installment payments, from time to time, upon application
6 of either party upon notice to the other.

7 (3) Compel any person cited, other than the judgment
8 debtor, to deliver up any assets so discovered, to be
9 applied in satisfaction of the judgment, in whole or in
10 part, when those assets are held under such circumstances
11 that in an action by the judgment debtor he or she could
12 recover them in specie or obtain a judgment for the
13 proceeds or value thereof as for conversion or
14 embezzlement.

15 (4) Enter any order upon or judgment against the person
16 cited that could be entered in any garnishment proceeding.

17 (5) Compel any person cited to execute an assignment of
18 any chose in action or a conveyance of title to real or
19 personal property, in the same manner and to the same
20 extent as a court could do in any proceeding by a judgment
21 creditor to enforce payment of a judgment or in aid of the
22 enforcement of a judgment.

23 (6) Authorize the judgment creditor to maintain an
24 action against any person or corporation that, it appears
25 upon proof satisfactory to the court, is indebted to the
26 judgment debtor, for the recovery of the debt, forbid the
27 transfer or other disposition of the debt until an action
28 can be commenced and prosecuted to judgment, direct that
29 the papers or proof in the possession or control of the
30 debtor and necessary in the prosecution of the action be
31 delivered to the creditor or impounded in court, and
32 provide for the disposition of any moneys in excess of the
33 sum required to pay the judgment creditor's judgment and
34 costs allowed by the court.

35 (d) No order or judgment shall be entered under subsection
36 (c) in favor of the judgment creditor unless there appears of

1 record a certification of mailing showing that a copy of the
2 citation and a copy of the citation notice was mailed to the
3 judgment debtor as required by subsection (b).

4 (e) All property ordered to be delivered up shall, except
5 as otherwise provided in this Section, be delivered to the
6 sheriff to be collected by the sheriff or sold at public sale
7 and the proceeds thereof applied towards the payment of costs
8 and the satisfaction of the judgment.

9 (f) (1) The citation may prohibit the party to whom it is
10 directed from making or allowing any transfer or other
11 disposition of, or interfering with, any property not
12 exempt from the enforcement of a judgment therefrom, a
13 deduction order or garnishment, belonging to the judgment
14 debtor or to which he or she may be entitled or which may
15 thereafter be acquired by or become due to him or her, and
16 from paying over or otherwise disposing of any moneys not
17 so exempt which are due or to become due to the judgment
18 debtor, until the further order of the court or the
19 termination of the proceeding, whichever occurs first. The
20 third party may not be obliged to withhold the payment of
21 any moneys beyond double the amount of the balance due
22 sought to be enforced by the judgment creditor. The court
23 may punish any party who violates the restraining provision
24 of a citation as and for a contempt, or if the party is a
25 third party may enter judgment against him or her in the
26 amount of the unpaid portion of the judgment and costs
27 allowable under this Section, or in the amount of the value
28 of the property transferred, whichever is lesser.

29 (2) The court may enjoin any person, whether or not a
30 party to the supplementary proceeding, from making or
31 allowing any transfer or other disposition of, or
32 interference with, the property of the judgment debtor not
33 exempt from the enforcement of a judgment, a deduction
34 order or garnishment, or the property or debt not so exempt
35 concerning which any person is required to attend and be
36 examined until further direction in the premises. The

1 injunction order shall remain in effect until vacated by
2 the court or until the proceeding is terminated, whichever
3 first occurs.

4 (g) If it appears that any property, chose in action,
5 credit or effect discovered, or any interest therein, is
6 claimed by any person, the court shall, as in garnishment
7 proceedings, permit or require the claimant to appear and
8 maintain his or her right. The rights of the person cited and
9 the rights of any adverse claimant shall be asserted and
10 determined pursuant to the law relating to garnishment
11 proceedings.

12 (h) Costs in proceedings authorized by this Section shall
13 be allowed, assessed and paid in accordance with rules,
14 provided that if the court determines, in its discretion, that
15 costs incurred by the judgment creditor were improperly
16 incurred, those costs shall be paid by the judgment creditor.

17 (i) This Section is in addition to and does not affect
18 enforcement of judgments or proceedings supplementary thereto,
19 by any other methods now or hereafter provided by law.

20 (j) This Section does not grant the power to any court to
21 order installment or other payments from, or compel the sale,
22 delivery, surrender, assignment or conveyance of any property
23 exempt by statute from the enforcement of a judgment thereon, a
24 deduction order, garnishment, attachment, sequestration,
25 process or other levy or seizure.

26 (k) (Blank).

27 (l) At any citation hearing at which the judgment debtor
28 appears and seeks a declaration that certain of his or her
29 income or assets are exempt, the court shall proceed to
30 determine whether the property which the judgment debtor
31 declares to be exempt is exempt from judgment. At any time
32 before the return date specified on the citation, the judgment
33 debtor may request, in writing, a hearing to declare exempt
34 certain income and assets by notifying the clerk of the court
35 before that time, using forms as may be provided by the clerk
36 of the court. The clerk of the court will obtain a prompt

1 hearing date from the court and will provide the necessary
2 forms that must be prepared by the judgment debtor or the
3 attorney for the judgment debtor and sent to the judgment
4 creditor, or the judgment creditor's attorney, regarding the
5 time and location of the hearing. This notice may be sent by
6 regular first class mail. At the hearing, the court shall
7 immediately, unless for good cause shown that the hearing is to
8 be continued, shall proceed to determine whether the property
9 which the judgment debtor declares to be exempt is exempt from
10 judgment. The restraining provisions of subsection (f) shall
11 not apply to any property determined by the court to be exempt.

12 (m) The judgment or balance due on the judgment becomes a
13 lien when a citation is served in accordance with subsection
14 (a) of this Section. The lien binds nonexempt personal
15 property, including money, choses in action, and effects of the
16 judgment debtor as follows:

17 (1) When the citation is directed against the judgment
18 debtor, upon all personal property belonging to the
19 judgment debtor in the possession or control of the
20 judgment debtor or which may thereafter be acquired or come
21 due to the judgment debtor to the time of the disposition
22 of the citation.

23 (2) When the citation is directed against a third
24 party, upon all personal property belonging to the judgment
25 debtor in the possession or control of the third party or
26 which thereafter may be acquired or come due the judgment
27 debtor and comes into the possession or control of the
28 third party to the time of the disposition of the citation.

29 The lien established under this Section does not affect the
30 rights of citation respondents in property prior to the service
31 of the citation upon them and does not affect the rights of
32 bona fide purchasers or lenders without notice of the citation.
33 The lien is effective for the period specified by Supreme Court
34 Rule.

35 This subsection (m), as added by Public Act 88-48, is a
36 declaration of existing law.

1 (n) If any provision of this Act or its application to any
2 person or circumstance is held invalid, the invalidity of that
3 provision or application does not affect the provisions or
4 applications of the Act that can be given effect without the
5 invalid provision or application.

6 (Source: P.A. 88-48; 88-299; 88-667, eff. 9-16-94; 88-670, eff.
7 12-2-94; 89-364, eff. 1-1-96.)

8 (735 ILCS 5/12-803) (from Ch. 110, par. 12-803)

9 Sec. 12-803. Maximum wages subject to collection. The
10 maximum wages, salary, commissions and bonuses subject to
11 collection under a deduction order, for any work week shall not
12 exceed the lesser of (1) 15% of such gross amount paid for that
13 week or (2) the amount by which disposable earnings for a week
14 exceed 45 times the Federal Minimum Hourly Wage prescribed by
15 Section 206(a)(1) of Title 29 of the United States Code, as
16 amended, or, under a wage deduction summons served on or after
17 January 1, 2006, the minimum hourly wage prescribed by Section
18 4 of the Minimum Wage Law, whichever is greater, in effect at
19 the time the amounts are payable. This provision (and no other)
20 applies irrespective of the place where the compensation was
21 earned or payable and the State where the employee resides. No
22 amounts required by law to be withheld may be taken from the
23 amount collected by the creditor. The term "disposable
24 earnings" means that part of the earnings of any individual
25 remaining after the deduction from those earnings of any
26 amounts required by law to be withheld.

27 (Source: P.A. 87-569.)

28 (735 ILCS 5/12-805) (from Ch. 110, par. 12-805)

29 Sec. 12-805. Summons; Issuance.

30 (a) Upon the filing by a judgment creditor, its attorney or
31 other designee of (1) an affidavit that the affiant believes
32 any person is indebted to the judgment debtor for wages due or
33 to become due, as provided in Part 8 of Article XII of this
34 Act, and includes the last address of the judgment debtor known

1 to the affiant as well as the name of the judgment debtor, and
2 a certification by the judgment creditor or his attorney that,
3 before filing the affidavit, the wage deduction notice has been
4 mailed to the judgment debtor by first class mail at the
5 judgment debtor's last known address, and (2) written
6 interrogatories to be answered by the employer with respect to
7 the indebtedness, the clerk of the court in which the judgment
8 was entered shall issue summons against the person named in the
9 affidavit as employer commanding the employer to appear in the
10 court and answer the interrogatories in writing under oath. The
11 interrogatories shall elicit all the information necessary to
12 determine the proper amount of non-exempt wages. The
13 interrogatories shall require that the employer certify that a
14 copy of the completed interrogatories as specified in
15 subsection (c) of Section 12-808 has been mailed or hand
16 delivered to the judgment debtor and shall be in a form
17 consistent with local court rules. The summons shall further
18 command federal agency employers, upon effective service of
19 summons pursuant to 5 USC 5520a, to commence to pay over
20 deducted wages in accordance with Section 12-808. The summons
21 shall be in a form consistent with local court rules. The
22 summons shall be accompanied by a copy of the underlying
23 judgment or a certification by the clerk of the court that
24 entered the judgment, or by the attorney for the judgment
25 creditor, setting forth the date and amount of the judgment,
26 allowable costs expended, interest accumulated, credits paid
27 by or on behalf of the judgment debtor and the balance due the
28 judgment creditor, and one copy of a wage deduction notice in
29 substantially the following form:

30 "WAGE DEDUCTION NOTICE

31 (Name and address of Court)

32 Name of Case: (Name of Judgment Creditor),

33 Judgment Creditor v.

34 (Name of Judgment Debtor),

35 Judgment Debtor.

36 Address of Judgment Debtor: (Insert last known address)

1 Name and Address of Attorney for Judgment
2 Creditor or of Judgment Creditor (if no
3 attorney is listed): (Insert name and address)
4 Amount of Judgment: \$.....
5 Employer: (Name of Employer)
6 Return Date: (Insert return date specified in summons)

7 NOTICE: The court shall be asked to issue a wage deduction
8 summons against the employer named above for wages due or about
9 to become due to you. The wage deduction summons may be issued
10 on the basis of a judgment against you in favor of the judgment
11 creditor in the amount stated above.

12 The amount of wages that may be deducted is limited by
13 federal and Illinois law.

14 (1) Under Illinois law, the amount of wages that may be
15 deducted is limited to the lesser of (i) 15% of gross
16 weekly wages or (ii) the amount by which disposable
17 earnings for a week exceed the total of 45 times the
18 federal minimum hourly wage or, under a wage deduction
19 summons served on or after January 1, 2006, the minimum
20 hourly wage prescribed by Section 4 of the Minimum Wage
21 Law, whichever is greater.

22 (2) Under federal law, the amount of wages that may be
23 deducted is limited to the lesser of (i) 25% of disposable
24 earnings for a week or (ii) the amount by which disposable
25 earnings for a week exceed 30 times the federal minimum
26 hourly wage.

27 (3) Pension and retirement benefits and refunds may be
28 claimed as exempt from wage deduction under Illinois law.

29 You have the right to request a hearing before the court to
30 dispute the wage deduction because the wages are exempt. To
31 obtain a hearing in counties with a population of 1,000,000 or
32 more, you must notify the Clerk of the Court in person and in
33 writing at (insert address of Clerk) before the Return Date
34 specified above or appear in court on the date and time on that
35 Return Date. To obtain a hearing in counties with a population
36 of less than 1,000,000, you must notify the Clerk of the Court

1 in writing at (insert address of clerk) on or before the Return
2 Date specified above. The Clerk of the Court will provide a
3 hearing date and the necessary forms that must be prepared by
4 you or your attorney and sent to the judgment creditor and the
5 employer, or their attorney, regarding the time and location of
6 the hearing. This notice may be sent by regular first class
7 mail."

8 (b) In a county with a population of less than 1,000,000,
9 unless otherwise provided by circuit court rule, at the request
10 of the judgment creditor or his or her attorney and instead of
11 personal service, service of a summons for a wage deduction may
12 be made as follows:

13 (1) For each employer to be served, the judgment
14 creditor or his or her attorney shall pay to the clerk of
15 the court a fee of \$2, plus the cost of mailing, and
16 furnish to the clerk an original and one copy of a summons,
17 an original and one copy of the interrogatories and an
18 affidavit setting forth the employer's mailing address, an
19 original and one copy of the wage deduction notice required
20 by subsection (a) of this Section, and a copy of the
21 judgment or certification described in subsection (a) of
22 this Section. The original judgment shall be retained by
23 the clerk.

24 (2) The clerk shall mail to the employer, at the
25 address appearing in the affidavit, the copy of the
26 judgment or certification described in subsection (a) of
27 this Section, the summons, the interrogatories, and the
28 wage deduction notice required by subsection (a) of this
29 Section, by certified or registered mail, return receipt
30 requested, showing to whom delivered and the date and
31 address of delivery. This Mailing shall be mailed on a
32 "restricted delivery" basis when service is directed to a
33 natural person. The envelope and return receipt shall bear
34 the return address of the clerk, and the return receipt
35 shall be stamped with the docket number of the case. The
36 receipt for certified or registered mail shall state the

1 name and address of the addressee, the date of the mailing,
2 shall identify the documents mailed, and shall be attached
3 to the original summons.

4 (3) The return receipt must be attached to the original
5 summons and, if it shows delivery at least 3 days before
6 the return date, shall constitute proof of service of any
7 documents identified on the return receipt as having been
8 mailed.

9 (4) The clerk shall note the fact of service in a
10 permanent record.

11 (c) Instead of personal service, a summons for a wage
12 deduction may be served and returned in the manner provided by
13 Supreme Court rule for service, otherwise than by publication,
14 of a notice for additional relief upon a party in default.

15 (Source: P.A. 89-28, eff. 6-23-95; 90-677, eff. 1-1-99.)

16 (735 ILCS 5/12-808) (from Ch. 110, par. 12-808)

17 Sec. 12-808. Duty of employer.

18 (a) An employer served as herein provided shall pay the
19 employee the amount of his or her exempt wages.

20 (b) To the extent of the amount due upon the judgment and
21 costs, the employer shall hold, subject to order of court, any
22 non-exempt wages due or which subsequently come due. The
23 judgment or balance due thereon is a lien on wages due at the
24 time of the service of summons, and such lien shall continue as
25 to subsequent earnings until the total amount due upon the
26 judgment and costs is paid, except that such lien on subsequent
27 earnings shall terminate sooner if the employment relationship
28 is terminated or if the underlying judgment is vacated or
29 modified.

30 (b-5) If the employer is a federal agency employer and the
31 creditor is represented by an attorney, then the employer, upon
32 service of summons and to the extent of the amount due upon the
33 judgment and costs, shall commence to pay over to the attorney
34 for the judgment creditor any non-exempt wages due or that
35 subsequently come due. The attorney for the judgment creditor

1 shall thereafter hold the deducted wages subject to further
2 order of the court and shall make answer to the court regarding
3 amounts received from the federal agency employer. The federal
4 agency employer's periodic payments shall be considered a
5 sufficient answer to the interrogatories.

6 (c) Except as provided in subsection (b-5), the employer
7 shall file, on or before the return date or within the further
8 time that the court for cause may allow, a written answer under
9 oath to the interrogatories, setting forth the amount due as
10 wages to the judgment debtor for the payroll periods ending
11 immediately prior to the service of the summons and a summary
12 of the computation used to determine the amount of non-exempt
13 wages. Except as provided in subsection (b-5), the employer
14 shall mail by first class mail or hand deliver a copy of the
15 answer to the judgment debtor at the address specified in the
16 affidavit filed under Section 12-805 of this Act, or at any
17 other address or location of the judgment debtor known to the
18 employer.

19 A lien obtained hereunder shall have priority over any
20 subsequent lien obtained hereunder, except that liens for the
21 support of a spouse or dependent children shall have priority
22 over all other liens obtained hereunder. Subsequent summonses
23 shall be effective in the order in which they are served.

24 (d) The Illinois Supreme Court may by rule allow an
25 employer to file answers to interrogatories by facsimile
26 transmission.

27 (e) Pursuant to answer under oath to the interrogatories by
28 the employer, an order shall be entered compelling the employer
29 to deduct from wages of the judgment debtor subject to
30 collection under a deduction order an amount not to exceed the
31 lesser of (i) 15% of the gross amount of the wages or (ii) the
32 amount by which disposable earnings for a week exceed 45 times
33 the Federal Minimum Hourly Wage prescribed by Section 206(a)(1)
34 of Title 29 of the United States Code, as amended, in effect at
35 the time the amounts are payable, for each pay period in which
36 statutory exemptions under Section 12-804 and child support

1 garnishments, if any, leave funds to be remitted or, under a
2 wage deduction summons served on or after January 1, 2006, the
3 minimum hourly wage prescribed by Section 4 of the Minimum Wage
4 Law, whichever is greater. The order shall further provide that
5 deducted wages shall be remitted to the creditor or creditor's
6 attorney on a monthly basis.

7 (Source: P.A. 89-28, eff. 6-23-95; 90-677, eff. 1-1-99.)

8 Section 99. Effective date. This Act takes effect January
9 1, 2006.